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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/631,972	HAMILTON ET AL.
	Examiner	Art Unit	
	MOHAMMAD Z. SHAIKH	3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 October 2007</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-4,7-16 and 18-26</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>2/24/04. 2/13/08</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to an AMENDMENT entered 1/29/08 for patent

application 10/631,972.

Status of Claims

2.   Claims 1-4, 7-16, 18-26 are pending in this application.

3.   Claims 5-6 & 16-17 have been cancelled.

4.   Claims 1-4, 7-15, 18-22 have been amended without prejudice or disclaimer.

5.   Claims 23-26 have been added.

Claim Rejections- 35 U.S.C § 102

6.   Examiner is withdrawing the 102(b) rejection for claims 1, 3-4, and 7.

Claim Rejections- 35 U.S.C § 103

7.   Applicant's arguments with respect to claims 1, 3-4, and 7 are moot in view of the

new ground(s) of rejection.

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1-4,7-12 are being rejected under 35 U.S.C 103(a) as being unpatentable

over 2004/0019605 to Keown et al, herein Keown in view of 2005/0010523 to

Myklebust et al, herein, Myklebust and in view of 6,647,376 to Faraar et al,

herein Faraar, and further in view of US 2004/0230526 to Praisner et al, herein

Praisner.

Regarding claim 1, Keown discloses a method comprising: receiving a payment

to pay a payee on behalf of a payor wherein the payment request is associated with a

payor account ([0038]). However Keown does not disclose

determining a plurality of debit options, wherein each debit option of the plurality of

debit options is applicable for debiting the payor account; automatically selecting one of

the plurality of debit options based, at least in part, on at least one processing factor,

wherein the at least one processing factor is at least one of a risk factor, a speed factor,

and a cost factor; determining a credit option associated with the one of the plurality of

debit options and executing the payment request using the one of the plurality of debit

options and the credit option. Mkylebust discloses determining a plurality of debit

options, wherein each debit option of the plurality of debit options is applicable for

debiting the payor account (Fig 15: 562, 564, 566, 568). Therefore it would have been

obvious to one of ordinary skill in the art at the time of the invention to modify Keown's

invention to include determining a plurality of debit options, wherein each debit option of

the plurality of debit options is applicable for debiting the payor account. One of

ordinary skill in the art would have been motivated to include determining a plurality of

debit options, wherein each debit option of the plurality of debit options is applicable for

debiting the payor account in order to ensure that all possible debiting options are

available to the user. Faraar discloses automatically selecting one of the plurality of

debit options based, at least in part, on at least one processing factor, wherein the at

least one processing factor is at least one of a risk factor, a speed factor, and a cost

factor (column 11, lines 51-66). Therefore it would have been obvious to one of

ordinary skill in the art at the time of the invention to modify Keown's invention to include

automatically selecting one of the plurality of debit options based, at least in part, on at

least one processing factor, wherein the at least one processing factor is at least one of

a risk factor, a speed factor, and a cost factor. One of ordinary skill in the art would

have been motivated to include automatically selecting one of the plurality of debit

options based, at least in part, on at least one processing factor, wherein the at least

one processing factor is at least one of a risk factor, a speed factor, and a cost factor in

order to ensure that the payee's financial interests are protected at all times. Praisner

discloses determining a credit option associated with the one of the plurality of debit

options and executing the payment request using the one of the plurality of debit options

and the credit option (Fig 2: 204, 208, 210, 212; [0032]). Therefore it would have been

obvious to one of ordinary skill in the art at the time of the invention to modify Keown's

invention to include determining a credit option associated with the one of the plurality of

debit options and executing the payment request using the one of the plurality of debit

options and the credit option. One of ordinary skill in the art would have been motivated

to include determining a credit option associated with the one of the plurality of debit

options and executing the payment request using the one of the plurality of debit options

and the credit option in order to ensure that entire payment process operates efficiently.

Regarding claim 2, Keown discloses the method of claim 1. However Keown

does not disclose wherein the plurality of debit options include i) electronically debiting

the payor account responsive to determining that funds in at least an amount of the

payment request are available in the payor account, ii) electronically debiting the payor

account responsive to determining that an entity is available from which to collect funds

if funds cannot be collected from the payor in association with effecting the payment, iii)

electronically debiting the payor account responsive to selecting an account to receive

an electronic credit associated with the electronic debit, the selected account associated

with a payment service provider, iv) electronically debiting the payor account responsive

to determining that a risk of financial loss to the payment service provider associated

with effecting the payment on behalf of the payor is an acceptable risk, the

determination based upon information associated with at least one of an amount of the

payment and one or more prior payments effected on behalf of the payor, and v)

electronically debiting the payor account responsive to determining that an electronic

credit can be initiated by the payment service provider to reverse the electronic debit if

funds cannot be collected from the payor in association with the effected payment.

Faraar discloses wherein the plurality of debit options include i) electronically debiting

the payor account responsive to determining that funds in at least an amount of the

payment request are available in the payor account, ii) electronically debiting the payor

account responsive to determining that an entity is available from which to collect funds

if funds cannot be collected from the payor in association with effecting the payment, iii)

electronically debiting the payor account responsive to selecting an account to receive

an electronic credit associated with the electronic debit, the selected account associated

with a payment service provider, iv) electronically debiting the payor account responsive

to determining that a risk of financial loss to the payment service provider associated

with effecting the payment on behalf of the payor is an acceptable risk, the

determination based upon information associated with at least one of an amount of the

payment and one or more prior payments effected on behalf of the payor (column 12,

lines 1-24). Therefore it would have been obvious to one of ordinary skill in the art at

the time of the invention to modify Keown's invention to include wherein the plurality of

debit options include i) electronically debiting the payor account responsive to

determining that funds in at least an amount of the payment request are available in the

payor account, ii) electronically debiting the payor account responsive to determining

that an entity is available from which to collect funds if funds cannot be collected from

the payor in association with effecting the payment, iii) electronically debiting the payor

account responsive to selecting an account to receive an electronic credit associated

with the electronic debit, the selected account associated with a payment service

provider, iv) electronically debiting the payor account responsive to determining that a

risk of financial loss to the payment service provider associated with effecting the

payment on behalf of the payor is an acceptable risk, the determination based upon

information associated with at least one of an amount of the payment and one or more

prior payments effected on behalf of the payor. One of ordinary skill in the art would

have motivated to include wherein the plurality of debit options include i) electronically

debiting the payor account responsive to determining that funds in at least an amount of

the payment request are available in the payor account, ii) electronically debiting the

payor account responsive to determining that an entity is available from which to collect

funds if funds cannot be collected from the payor in association with effecting the

payment, iii) electronically debiting the payor account responsive to selecting an

account to receive an electronic credit associated with the electronic debit, the selected

account associated with a payment service provider, iv) electronically debiting the payor

account responsive to determining that a risk of financial loss to the payment service

provider associated with effecting the payment on behalf of the payor is an acceptable

risk, the determination based upon information associated with at least one of an

amount of the payment and one or more prior payments effected on behalf of the payor

in order to make the entire payment process more efficient and also to minimize the risk

to the entity which is guaranteeing the funds. Keown further discloses electronically

debiting the payor account responsive to determining that an electronic credit can be

initiated by the payment service provider to reverse the electronic debit if funds cannot

be collected from the payor in association with the effected payment ([0074]).

Regarding claim 3, Keown discloses the method of claim 1. Keown further

discloses wherein each of the debit options is determined based, at least in part, upon

at least one of i) the identity of the payee ([0028]), ii) the identity of the payor ([0034]),

iii) the identity of a financial institution at which the payor account is maintained ([0070]),

iv) the identity of a consumer service provider with which the payor is associated

([0072]), and v) a type of payment service offered by a payment service provider utilized

by the payor ([0036]).

Regarding claim 4, Keown discloses the method of claim 1. However Keown

does not disclose wherein executing the payment request using the one of the second

plurality of debit options and the credit option includes issuing an electronic funds

transfer file via the ACH network. Myklebust discloses wherein executing the payment

request using the one of the second plurality of debit options and the credit option

includes issuing an electronic funds transfer file via the ACH network (Fig 15: 562, 564,

566, 568; [0025], [0032]). Therefore it would have been obvious to one of ordinary skill

in the art at the time of the invention to modify Keown's invention to include wherein

executing the payment request using the one of the second plurality of debit options and

the credit option includes issuing an electronic funds transfer file via the ACH network.

One of ordinary skill in the art would have been motivated to include wherein executing

the payment request using the one of the second plurality of debit options and the credit

option includes issuing an electronic funds transfer file via the ACH network in order to

ensure that the entire payment process operates efficiently.

Regarding claim 7, Keown discloses the method of claim 1. However Keown

does not disclose wherein the debit options are determined based upon the received

payment request. Myklebust discloses wherein the debit options are determined based

upon the received payment request. (Fig 15: 558,560, 562, 564, 566, 568). Therefore it

would have been obvious to one of ordinary skill in the art to modify Keown's invention

to include wherein the debit options are determined based upon the received payment

request. One of ordinary skill in the art would have been motivated to include wherein

the debit options are determined based upon the received payment request in order to

ensure that all debiting options are available to the user.

Regarding claim 8, Keown discloses the method of claim 1. However Keown does not disclose wherein each of the plurality of debit options is associated with a priority and two or more of the plurality of debit options are determined as being available, and further comprising: determining one of the two or more identified debit options having a highest associated priority; wherein the one of the debit options having the highest priority is selected. Praisner discloses wherein each of the plurality of debit options is associated with a priority and two or more of the plurality of debit options are determined as being available, and further comprising: determining one of the two or more identified debit options having a highest associated priority; wherein the one of the debit options having the highest priority is selected (Fig 4: 402,404,406; [0032], [0034]). Therefore it would have been obvious to one of ordinary skill in art at the time of the invention to modify Keown's invention to include wherein each of the plurality of debit options is associated with a priority and two or more of the plurality of debit options are determined as being available, and further comprising: determining one of the two or more identified debit options having a highest associated priority; wherein the one of the debit options having the highest priority is selected. One of ordinary skill in the art would have been motivated to include wherein each of the plurality of debit options is associated with a priority and two or more of the plurality of debit options are determined as being available, and further comprising: determining one of the two or more identified debit options having a highest associated priority; wherein the one of the debit options having the highest priority is selected in order to ensure that the transactions with the highest priority is process first.

Regarding claim 9, Keown discloses the method of claim 1. However, Keown does not disclose wherein two or more of the plurality of debit options are determined as being available, and further comprising: determining one of the two or more determined debit options associated with a shortest time period to complete payment to the payee on behalf of the payor; wherein the one of the debit options associated with the shortest time period to complete payment to the payee on behalf of the payor is selected. Praisner discloses wherein two or more of the plurality of debit options are determined as being available, and further comprising: determining one of the two or more determined debit options associated with a shortest time period to complete payment to the payee on behalf of the payor; wherein the one of the debit options associated with the shortest time period to complete payment to the payee on behalf of the payor is selected (Fig 4; [0034]). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include wherein two or more of the plurality of debit options are determined as being available, and further comprising: determining one of the two or more determined debit options associated with a shortest time period to complete payment to the payee on behalf of the payor; wherein the one of the debit options associated with the shortest time period to complete payment to the payee on behalf of the payor is selected. One of ordinary skill in the art would have been motivated to include wherein two or more of the plurality of debit options are determined as being available, and further comprising: determining one of the two or more determined debit options associated with a shortest time period to complete payment to the payee on behalf of the payor; wherein the one of the debit

options associated with the shortest time period to complete payment to the payee on behalf of the payor is selected in order to make the entire payment process more efficient.

Regarding claim 10, Keown discloses the method of claim 1. However Keown does not disclose wherein two or more of the plurality of debit options are determined as being available, and further comprising: determining one of the two or more identified debit options associated with a lesser cost to a payment service provider; wherein the one of the debit options associated with the lesser cost to the payment service provider is selected. Myklebust discloses wherein two or more of the plurality of debit options are determined as being available, and further comprising: determining one of the two or more identified debit options associated with a lesser cost to a payment service provider; wherein the one of the debit options associated with the lesser cost to the payment service provider is selected (Fig 15: 562, 564, 568; [0031]). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include wherein two or more of the plurality of debit options are determined as being available, and further comprising: determining one of the two or more identified debit options associated with a lesser cost to a payment service provider; wherein the one of the debit options associated with the lesser cost to the payment service provider is selected. One of ordinary skill in the art would have been motivated to include wherein two or more of the plurality of debit options are determined as being available, and further comprising: determining one of the two or more identified debit options associated with a lesser cost to a payment service provider;

wherein the one of the debit options associated with the lesser cost to the payment service provider is selected in order to ensure that the entire payment process operates efficiently.

Regarding claim 11, Keown discloses the method of claim 1. However Keown does not disclose wherein two or more of the plurality of debit options are determined as being available, and further comprising: determining one of the two or more identified debit options which provides a highest level of protection against financial loss to a payment service provider; wherein the one of the debit options which provides the highest level of protection against financial loss to the payment service provider is selected. Mykelbust discloses wherein two or more of the plurality of debit options are determined as being available, and further comprising: determining one of the two or more identified debit options which provides a highest level of protection against financial loss to a payment service provider; wherein the one of the debit options which provides the highest level of protection against financial loss to the payment service provider is selected (Fig 15: 562, 564, 568; [0029]). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify Keown's invention to include wherein two or more of the plurality of debit options are determined as being available, and further comprising: determining one of the two or more identified debit options which provides a highest level of protection against financial loss to a payment service provider; wherein the one of the debit options which provides the highest level of protection against financial loss to the payment service provider is selected. One of ordinary skill in the art would have been motivated to include wherein

two or more of the plurality of debit options are determined as being available, and

further comprising: determining one of the two or more identified debit options which

provides a highest level of protection against financial loss to a payment service

provider; wherein the one of the debit options which provides the highest level of

protection against financial loss to the payment service provider is selected in order to

ensure the entire payment process is as efficient as possible.

Regarding claim 12, Keown discloses a system comprising: a communication

interface configured to receive a payment request to pay a payee on behalf of a payor,

wherein the payment request is associated with a payor account ([0038]; claim 22).

Keown does not disclose a processor configured to i) determine a plurality of debit

options, wherein each debit option of the plurality of debit options is applicable for

debiting the payor account, ii) automatically select one of the plurality of debit options

based, at least in part, on at least one processing factor, wherein the at least one

processing factor is at least one of a risk factor, a speed factor, and a cost factor, iii)

determine a credit option associated with the one of the plurality of debit options, and iv)

execute the payment request using the one of the plurality of debit options and the

credit option. Mykelbust discloses a processor configured to i) determine a plurality of

debit options, wherein each debit option of the plurality of debit options is applicable for

debiting the payor account ([0120], Fig 15: 564, 566, 568). Therefore it would have

been obvious to one of ordinary skill in the art at the time of the invention to modify

Keown's invention to include a processor configured to i) determine a plurality of debit

options, wherein each debit option of the plurality of debit options is applicable for

debiting the payor account. One of ordinary skill in the art would have been motivated

to include discloses a processor configured to i) determine a plurality of debit options,

wherein each debit option of the plurality of debit options is applicable for debiting the

payor account in order to give the user the flexibility of having different debiting options.

Faraar discloses automatically select one of the plurality of debit options based, at least

in part, on at least one processing factor, wherein the at least one processing factor is at

least one of a risk factor, a speed factor, and a cost factor (column 11, lines 51-66).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Keown's invention to include automatically select one of the plurality

of debit options based, at least in part, on at least one processing factor, wherein the at

least one processing factor is at least one of a risk factor, a speed factor, and a cost

factor. One of ordinary skill in the art would have been motivated to include

automatically select one of the plurality of debit options based, at least in part, on at

least one processing factor, wherein the at least one processing factor is at least one of

a risk factor, a speed factor, and a cost factor in order to ensure that the payee receives

the payment from the payor in a timely manner. Praisner discloses determining a credit

option associated with the one of the plurality of debit options and executing the

payment request using the one of the plurality of debit options and the credit option (Fig

2: 204, 208, 210, 212; [0032]). Therefore it would have been obvious to one of ordinary

skill in the art at the time of the invention to modify Keown's invention to include

determining a credit option associated with the one of the plurality of debit options and

executing the payment request using the one of the plurality of debit options and the

credit option. One of ordinary skill in the art would have been motivated to include

determining a credit option associated with the one of the plurality of debit options and

executing the payment request using the one of the plurality of debit options and the

credit option in order to ensure that entire payment process operates efficiently.

Regarding claim 13, Keown discloses the system of claim 12. However Keown

does not disclose wherein the plurality of debit options include i) electronically debiting

the payor account responsive to determining that funds in at least an amount of the

payment request are available in the payor account, ii) electronically debiting the payor

account responsive to determining that an entity is available from which to collect funds

if funds cannot be collected from the payor in association with effecting the payment, iii)

electronically debiting the payor account responsive to selecting an account to receive

an electronic credit associated with the electronic debit, the selected account associated

with a payment service provider, iv) electronically debiting the payor account responsive

to determining that a risk of financial loss to the payment service provider associated

with effecting the payment on behalf of the payor is an acceptable risk, the

determination based upon information associated with at least one of an amount of the

payment and one or more prior payments effected on behalf of the payor, and v)

electronically debiting the payor account responsive to determining that an electronic

credit can be initiated by the payment service provider to reverse the electronic debit if

funds cannot be collected from the payor in association with the effected payment.

Faraar discloses wherein the plurality of debit options include i) electronically debiting

the payor account responsive to determining that funds in at least an amount of the

payment request are available in the payor account, ii) electronically debiting the payor

account responsive to determining that an entity is available from which to collect funds

if funds cannot be collected from the payor in association with effecting the payment, iii)

electronically debiting the payor account responsive to selecting an account to receive

an electronic credit associated with the electronic debit, the selected account associated

with a payment service provider, iv) electronically debiting the payor account responsive

to determining that a risk of financial loss to the payment service provider associated

with effecting the payment on behalf of the payor is an acceptable risk, the

determination based upon information associated with at least one of an amount of the

payment and one or more prior payments effected on behalf of the payor (column 12,

lines 1-24). Therefore it would have been obvious to one of ordinary skill in the art at

the time of the invention to modify Keown's invention to include wherein the plurality of

debit options include i) electronically debiting the payor account responsive to

determining that funds in at least an amount of the payment request are available in the

payor account, ii) electronically debiting the payor account responsive to determining

that an entity is available from which to collect funds if funds cannot be collected from

the payor in association with effecting the payment, iii) electronically debiting the payor

account responsive to selecting an account to receive an electronic credit associated

with the electronic debit, the selected account associated with a payment service

provider, iv) electronically debiting the payor account responsive to determining that a

risk of financial loss to the payment service provider associated with effecting the

payment on behalf of the payor is an acceptable risk, the determination based upon

information associated with at least one of an amount of the payment and one or more

prior payments effected on behalf of the payor. One of ordinary skill in the art would

have motivated to include wherein the plurality of debit options include i) electronically

debiting the payor account responsive to determining that funds in at least an amount of

the payment request are available in the payor account, ii) electronically debiting the

payor account responsive to determining that an entity is available from which to collect

funds if funds cannot be collected from the payor in association with effecting the

payment, iii) electronically debiting the payor account responsive to selecting an

account to receive an electronic credit associated with the electronic debit, the selected

account associated with a payment service provider, iv) electronically debiting the payor

account responsive to determining that a risk of financial loss to the payment service

provider associated with effecting the payment on behalf of the payor is an acceptable

risk, the determination based upon information associated with at least one of an

amount of the payment and one or more prior payments effected on behalf of the payor

in order to make the entire payment process more efficient and also to minimize the risk

to the entity which is guaranteeing the funds. Keown further discloses electronically

debiting the payor account responsive to determining that an electronic credit can be

initiated by the payment service provider to reverse the electronic debit if funds cannot

be collected from the payor in association with the effected payment ([0074]).

Regarding claim 14, Keown discloses the system of claim 12. . Keown further

discloses wherein each of the debit options is determined based, at least in part, upon

at least one of i) the identity of the payee ([0028]), ii) the identity of the payor ([0034]),

iii) the identity of a financial institution at which the payor account is maintained ([0070]),

iv) the identity of a consumer service provider with which the payor is associated

([0072]), and v) a type of payment service offered by a payment service provider utilized

by the payor ([0036]).

Regarding claim 15, Keown discloses the system of claim 12. However Keown

does not disclose wherein executing the payment request using the one of the second

plurality of debit options and the credit option includes issuing an electronic funds

transfer file via the ACH network. Myklebust discloses wherein executing the payment

request using the one of the second plurality of debit options and the credit option

includes issuing an electronic funds transfer file via the ACH network (Fig 15: 562, 564,

566, 568; [0025], [0032]). Therefore it would have been obvious to one of ordinary skill

in the art at the time of the invention to modify Keown's invention to include wherein

executing the payment request using the one of the second plurality of debit options and

the credit option includes issuing an electronic funds transfer file via the ACH network.

One of ordinary skill in the art would have been motivated to include wherein executing

the payment request using the one of the second plurality of debit options and the credit

option includes issuing an electronic funds transfer file via the ACH network in order to

ensure that the entire payment process operates efficiently.

Regarding claim 18, Keown discloses the system of claim 12. However Keown

does not disclose wherein the debit options are determined based upon the received

payment request. Myklebust discloses wherein the debit options are determined based

upon the received payment request. (Fig 15: 558,560, 562, 564, 566, 568). Therefore it

would have been obvious to one of ordinary skill in the art to modify Keown's invention

to include wherein the debit options are determined based upon the received payment

request. One of ordinary skill in the art would have been motivated to include wherein

the debit options are determined based upon the received payment request in order to

ensure that all debiting options are available to the user.

Regarding claim 19, Keown discloses the system of claim 12. However Keown

does not disclose wherein: each of the plurality of electronic debiting debit options is

associated with a priority; two or more of the plurality of electronic debit options are

determined identified as being available; and the processor is further configured to i)

determine one of the two or more debit options having a highest associated priority, and

ii) select the one of the debit options having a highest associated priority. Praisner

discloses wherein: each of the plurality of electronic debiting debit options is associated

with a priority; two or more of the plurality of electronic debit options are determined

identified as being available; and the processor is further configured to i) determine one

of the two or more debit options having a highest associated priority, and ii) select the

one of the debit options having a highest associated priority (Fig 15:562,564,566,568;

Fig 4: 402,404,406; [0032], [0034]). Therefore it would have been obvious to one of

ordinary skill in art at the time of the invention to modify Keown's invention to include

wherein: each of the plurality of electronic debiting debit options is associated with a

priority; two or more of the plurality of electronic debit options are determined identified

as being available; and the processor is further configured to i) determine one of the two

or more debit options having a highest associated priority, and ii) select the one of the

debit options having a highest associated priority. One of ordinary skill in the art would have been motivated to include wherein: each of the plurality of electronic debiting debit options is associated with a priority; two or more of the plurality of electronic debit options are determined identified as being available; and the processor is further configured to i) determine one of the two or more debit options having a highest associated priority, and ii) select the one of the debit options having a highest associated priority in order to ensure that the transactions with the highest priority is processed first.

Regarding claim 20, Keown discloses the system of claim 12. However Keown does not disclose two or more of the plurality of debit options are determined as being available; and the processor is further configured to i) determine the one of the two or more debit options associated with a shortest time period to complete payment to the payee on behalf of the payor, and ii) select the one of the debit options associated with the shortest time period to complete payment to the payee on behalf of the payor. Praisner discloses two or more of the plurality of debit options are determined as being available; and the processor is further configured to i) determine the one of the two or more debit options associated with a shortest time period to complete payment to the payee on behalf of the payor, and ii) select the one of the debit options associated with the shortest time period to complete payment to the payee on behalf of the payor (Fig 15: 562,564,566,568; Fig 4; [0034]). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include two or more of the plurality of debit options are determined as being available;

and the processor is further configured to i) determine the one of the two or more debit

options associated with a shortest time period to complete payment to the payee on

behalf of the payor, and ii) select the one of the debit options associated with the

shortest time period to complete payment to the payee on behalf of the payor. One of

ordinary skill in the art would have been motivated to include two or more of the plurality

of debit options are determined

as being available; and the processor is further configured to i) determine the one of the

two or more debit options associated with a shortest time period to complete payment to

the payee on behalf of the payor, and ii) select the one of the debit options associated

with the shortest time period to complete payment to the payee on behalf of the payorin

order to make the entire payment process more efficient.

Regarding claim 21, Keown discloses the system of claim 12. However Keown

does not disclose two or more of the plurality of electronic debit options are determined

as being available; and the processor is further configured to i) determine one of the two

or more debit options associated with a lesser cost to a payment service provider, and

ii) select the one of the debit options associated with the lesser cost to the payment

service provider.   Mykelbust discloses two or more of the plurality of electronic debit

options are determined as being available; and the processor is further configured to i)

determine one of the two or more debit options associated with a lesser cost to a

payment service provider, and ii) select the one of the debit options associated with the

lesser cost to the payment service provider (Fig 15: 562, 564, 568; [0029]). Therefore it

would have been obvious to one of ordinary skill in the art at the time of invention to

modify Keown's invention to include two or more of the plurality of electronic debit

options are determined as being available; and the processor is further configured to i)

determine one of the two or more debit options associated with a lesser cost to a

payment service provider, and ii) select the one of the debit options associated with the

lesser cost to the payment service provider. One of ordinary skill in the art would have

been motivated to include two or more of the plurality of electronic debit options are

determined as being available; and the processor is further configured to i) determine

one of the two or more debit options associated with a lesser cost to a payment service

provider, and ii) select the one of the debit options associated with the lesser cost to the

payment service provider in order to ensure the entire payment process is as efficient

as possible.

Regarding claim 22, Keown discloses the system of claim 12. However Keown

does not wherein: two or more of the plurality of debit options are determined

as being available; and the processor is further configured to i) determine one of the two

or more debit options which provides a highest level of protection against financial loss

to a payment service provider, and ii) select the one of the debit options which provides

the highest level of protection against financial loss to the payment service provider.

Myklebust discloses wherein: two or more of the plurality of debit options are

determined as being available (Fig 15: 562,564,568); and the processor is further

configured to i) determine one of the two or more debit options which provides a highest

level of protection against financial loss to a payment service provider, and ii) select the

one of the debit options which provides the highest level of protection against financial

loss to the payment service provider ([0029]; Fig 15:560). Therefore it would have been

obvious to one of ordinary skill in the art at the time of the invention to modify Keown's

invention to include two or more of the plurality of debit options are determined

as being available; and the processor is further configured to i) determine one of the two

or more debit options which provides a highest level of protection against financial loss

to a payment service provider, and ii) select the one of the debit options which provides

the highest level of protection against financial loss to the payment service provider.

One of ordinary skill in the art would have been motivated to include two or more of the

plurality of debit options are determined as being available; and the processor is further

configured to i) determine one of the two or more debit options which provides a highest

level of protection against financial loss to a payment service provider, and ii) select the

one of the debit options which provides the highest level of protection against financial

loss to the payment service provider in order to make the entire payment process more

efficient.

Regarding claim 23, Keown discloses the method of claim 1. However Keown

does not disclose wherein determining a credit option associated with the one of the

plurality of debit options includes selecting one credit option from a plurality of a

plurality of credit options. Prasiner discloses wherein determining a credit option

associated with the one of the plurality of debit options includes selecting one credit

option from a plurality of a plurality of credit options (Fig 2: 212,212,214). Therefore it

would have been obvious to one of ordinary skill in the art at the time of the invention to

modify Keown's invention to include wherein determining a credit option associated with

the one of the plurality of debit options includes selecting one credit option from a plurality of a plurality of credit options. One of ordinary skill in the art would have been motivated to include wherein determining a credit option associated with the one of the plurality of debit options includes selecting one credit option from a plurality of a plurality of credit options in order to give the user different options for both credit and debit transactions.

Regarding claim 24, Keown discloses the method of claim 1. However Keown does not disclose wherein automatically selecting one of the plurality of debit options based, at least in part, on at least one processing factor includes selecting one of the plurality of debit options based, at least in part, on the at least one processing factor associated with a stored preference, wherein the stored preference is associated with the payor or a service provider. Praisner discloses wherein automatically selecting one of the plurality of debit options based, at least in part, on at least one processing factor includes selecting one of the plurality of debit options based, at least in part, on the at least one processing factor associated with a stored preference, wherein the stored preference is associated with the payor or a service provider (Fig 2: 206,214). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include wherein automatically selecting one of the plurality of debit options based, at least in part, on at least one processing factor includes selecting one of the plurality of debit options based, at least in part, on the at least one processing factor associated with a stored preference, wherein the stored preference is associated with the payor or a service provider. One of ordinary skill in

the art would have been motivated to include wherein automatically selecting one of the

plurality of debit options based, at least in part, on at least one processing factor

includes selecting one of the plurality of debit options based, at least in part, on the at

least one processing factor associated with a stored preference, wherein the stored

preference is associated with the payor or a service provider in order to ensure the user

has a choice in selecting a debiting option.

 Claim 25 is being rejected under the same rationale as claim 23.

 Claim 26 is being rejected under the same rationale as claim 12.

Response to Arguments

Applicant's arguments, with regards to amended claims 1-4, 7-15, 18-22, which were amended without prejudice or disclaimer filed on 1/29/08 have been fully considered but are not persuasive. On page 11, applicant argues the 102(b) rejection. This is now moot, due to the fact that examiner is withdrawing the 102(b) rejection.

On page 12 of Applicant's response, applicant argues that Keown does not disclose the claim element of claim 1, specifically a selection from several debit options for debiting the payor's account. Applicant also agures that the debit option is to be based on one or more processing factors such as risk, cost, etc. In this office action under the 103 rejection section, Mkylebust discloses determining a plurality of debit options, wherein each debit option of the plurality of debit options is applicable for debiting the payor account (Fig 15: 562, 564, 566, 568). Faraar discloses automatically selecting one of the plurality of debit options based, at least in part, on at least one processing factor, wherein the at least one processing factor is at least one of a risk factor, a speed factor, and a cost factor (column 11, lines 51-66). Applicant further argues that claims 2, 3 and 7 are now allowable. However claims 2-26 are now being rejected under the combination of Keown in view of Myklebust in view of Faraar further in view of Praisner. Therefore, in view of the above reasons, Examiner maintains the rejections.

CONCLUSION

Applicant's amendment necessitude the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period fro reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MOHAMMAD Z. SHAIKH whose telephone number is

(571)270-3444. The examiner can normally be reached on Monday-Friday (7:30-5); alt

Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Z. S./
Examiner, Art Unit 3696
5/8/2008

/Daniel S Felten/

Primary Examiner, Art Unit 3696